

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

JONAH BURNING BREAST,

Plaintiff,

vs.

OFFICER 1, Peace Officer, Rapid City, SD  
Pennington County, in his or her individual and  
official capacity; OFFICER 2, Peace Officer,  
Rapid City, SD Pennington County, in his or her  
individual and official capacity; OFFICER 3,  
Peace Officer, Rapid City, SD Pennington  
County, in his or her individual and official  
capacity; OFFICER 4, Peace Officer, Rapid  
City, SD Pennington County, in his or her  
individual and official capacity,

Defendants.

5:23-CV-05021-LLP

ORDER OF DISMISSAL WITHOUT  
PREJUDICE FOR FAILURE TO  
PROSECUTE

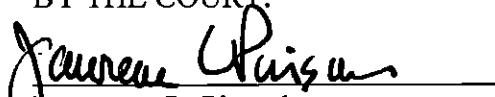
Plaintiff, Jonah Burning Breast, an inmate at the Pennington County Jail, filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. Doc. 1. This Court granted Burning Breast's Motion for Leave to Proceed in forma pauperis, Doc.5, and screened Burning Breast's Complaint in accordance with 28 U.S.C. § 1915A. *See* Doc. 6. Burning Breast's Fourth Amendment excessive force claims against the defendants in their individual capacities and for injunctive relief in their official capacities survived § 1915A screening. *Id.* at 5–6. On August 24, 2023, the Court ordered Burning Breast to complete and send to the Clerk of Court a separate summons and USM-285 form for each defendant. *Id.* at 6. The Court warned Burning Breast that “[i]f the completed summons and USM-285 form are not submitted as directed, the complaint may be dismissed.” *Id.* at 7. Burning Breast has not submitted the completed summonses and USM-285

forms as directed. Accordingly, it is ORDERED that Burning Breast's complaint is dismissed without prejudice for failure to prosecute.

DATED November 29<sup>th</sup>, 2023.

ATTEST:  
MATTHEW W. THELEN, CLERK

BY THE COURT:

  
Lawrence L. Piersol  
United States District Judge